THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No. 22354 of 2007

Dated: 23.10.2007

Between:

Settypalli Vasudeva Reddy

... Petitioner

AND

The Secretary,
Additional Registering Authority/
Regional Transport Authority,
Chittoor, Chittoor District & another.

... Respondents

Counsel for the petitioner : Shri K. Suresh Kumar Reddy

Counsel for the respondents : Assistant Government Pleader for Transport

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No. 22354 of 2007

ORDER:-

This writ petition is filed for a writ of Mandamus to declare the action of the respondents in seizing the petitioner's Tractor and Trailer under the check report dated 07.09.2007 of respondent No.2, as illegal and arbitrary.

The Tractor of the petitioner, who claims to be an agriculturist, was seized on 07.09.2007. The seizure is questioned in this writ petition.

I have heard Sri K. Suresh Kumar Reddy, learned counsel for the petitioner and the learned Assistant Government Pleader for Transport.

Learned counsel for the petitioner submitted that the petitioner is an agriculturist and that the Tractor and Trailer were covered by a temporary registration, which expired on 01.04.2006. He further submitted that as the petitioner is an agriculturist and was not well-versed with the law, he could not immediately get the Tractor registered, but however, his application for permanent registration is pending.

Learned Assistant Government Pleader for Transport submitted that plying of a motor vehicle without proper registration constitutes violation of the provisions of the Motor Vehicles Act,

1988 (for short, 'the 1988 Act') and the Andhra Pradesh Motor Vehicles Taxation Act, 1963 (for short, 'the 1963 Act') and that therefore the Tractor along with Trailer were seized and proceedings have been initiated for passing appropriate orders.

Since the proceedings against the petitioner under the provisions of the 1988 Act and the 1963 Act are still pending and not yet concluded, I do not propose to go into the merits of the case. However, detention of Tractor till the completion of proceedings causes deterioration in its condition, I deem it appropriate to dispose of the writ petition with a direction to respondent No.2 to release the Tractor along with Trailer bearing No. AP 03/P/TR 5264 (expired) subject to the following conditions:

i) The petitioner shall give an undertaking to respondent No.2 that he will not alienate or in any manner transfer the vehicle, pending completion of the proceedings initiated in pursuance of the check report dated 07.09.2007.

ii) Respondent No.2 is at liberty to proceed with and complete the proceedings and take action according to law.

As a sequel to disposal of the writ petition, WPMP.No.28987 of 2007 filed by the petitioner for interim relief is disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

Date: 23.10.2007
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